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6 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

7 KEITH ALLISON, *et al.*,

8 Plaintiffs,

9 v.

10 JUDGE L.R. SUKO, U.S. District
11 Court for the Eastern District of
Washington, JUDGE EDWARD F.
12 SHEA, U.S. District Court for the
Eastern District of Washington;
13 JUDGE JAMES L. ROBART, U.S.
District Court for the Western
14 District of Washington, JUDGES
STEPHEN S. TROTT, W.
15 FLETCHER and JOHNNIE B.
RAWLINSON, for the 9th Circuit
16 Court of Appeals at San Francisco,
and their marital estates,

17 Defendants.
18

NO. CV-10-3031-RHW

**ORDER DISMISSING
COMPLAINT, WITH
PREJUDICE**

19 On June 14, 2010, Plaintiffs filed a *pro se* complaint and naming six federal
20 judges as Defendants (Ct. Rec. 1). Plaintiffs allege that these Defendants have
21 violated their constitutional and/or common law rights to earn a living at their
22 chosen occupation of the practice of dentistry.

23 Plaintiff Keith Allison is no stranger to civil litigation. In December, 2006,
24 Plaintiff Keith Allison and others sued the American Dental Association (ADA) in
25 the Western District of Washington for interfering with their right to practice
26 denturism. The complaint was dismissed for failure to state a claim. In November,
27 2008, Plaintiff Keith Allison and others filed a complaint in the Eastern District of
28 Washington, alleging the same claim. Judge Shea granted the ADA's Motion to

1 Dismiss, in part and ultimately dismissed the action with prejudice after Plaintiff
2 Reuben Johnson failed to file an amended complaint as directed. On October 21,
3 2009, Judges Trott, Fletcher, and Rawlinson of the Ninth Circuit Court of Appeal
4 denied Plaintiffs' petition for mandamus relief. In April, 2010, Plaintiff Keith
5 Allison filed a complaint naming Judge Shea, Judge Robart, Judge Trott, Judge
6 Fletcher and Judge Rawlinson, alleging that these Defendants refused to rescind
7 "illegal orders" and abused the power of the bench by aiding and/or abetting the
8 further denial of Plaintiffs' constitutional/common law rights to earn their living at
9 their chosen occupation and access to due process. Judge Suko dismissed the
10 complaint with prejudice. He found that Plaintiffs had failed to comply with
11 procedural rules. Judge Suko also denied Plaintiffs' Motion to add a claim for
12 Obstruction of Justice and Misprison of Felony.

13 On June 14, 2010, Plaintiff Keith Allison and others filed this instant action,
14 adding Judge Suko as a Defendant, as well as the other previously named judges.
15 As with the previous filings, Plaintiffs' complaint fails to meet the procedural
16 requirements. The Complaint fails to set forth the necessary specific facts to give
17 notice to any of the Defendants as to the nature of the allegations against them.
18 Moreover, judges are entitled to broad absolute judicial immunity from damages
19 actions for judicial acts taken within the jurisdiction of their courts. *Forrester v.*
20 *White*, 484 U.S. 219, 225 (1988); *Ashelman v. Pope*, 793 F.2d 1072, 1075 (9th Cir.
21 1986). A judge loses absolute immunity only when he acts in the clear absence of
22 all jurisdiction or performs an act that is not judicial in nature. *Id.* Plaintiffs have
23 not alleged any facts. Consequently, there is nothing in the complaint that would
24 indicate that Defendants were being sued for an act that is not judicial in nature.
25 As Judge Suko explained, a party cannot sue a judicial officer outright merely
26 because an unfavorable decision is handed down.

27 Plaintiff Keith Allison has been given numerous opportunities and directions
28 regarding the requirements for civil litigants. He has chosen to ignore the

1 opportunities given to him by the courts to file an adequate complaint.

2 The Court dismisses Plaintiffs' complaint with prejudice. Moreover,
3 Plaintiff Keith Allison has demonstrated an inability to comply with the Federal
4 Rules of Civil Procedure and the Local Rules of the Eastern District of
5 Washington, notwithstanding numerous opportunities in which the Court provided
6 guidance in order to assist him to do so. As a result of his inability to comply with
7 the Court's directives regarding adequate pleadings, substantial judicial resources
8 have been expended. Consequently, it is necessary to restrict Plaintiff's ability to
9 file pleadings in the Eastern District of Washington.

10 Accordingly, **IT IS HEREBY ORDERED:**

11 1. Plaintiffs' complaint is **DISMISSED**, with prejudice.

12 2. The District Court Executive shall not accept any subsequent filings in
13 the above-captioned case, except for a notice of appeal.

14 3. The District Court Executive shall not accept any filings presented to the
15 Eastern District of Washington by Keith Allison, without prior permission from the
16 Court.

17 4. Plaintiffs' Motion for Judge Whaley to take Judicial Notice of Plaintiff's
18 Statement (Ct. Rec. 17) is **DENIED**, as moot.

19 5. Plaintiffs' Motion for Warrant for Arrest and Confinement of Defendant
20 U.S. District Court Judges (Ct. Rec. 13) is **DENIED**, as moot.

21 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
22 Order and forward copies to counsel.

23 **DATED** this 16th day of July, 2010.

24
25 s/Robert H. Whaley

26 ROBERT H. WHALEY
27 United States District Judge

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ORDER DISMISSING COMPLAINT, WITH PREJUDICE ~ 3